Supreme Court, U.S.
FILED
06-292 AUG 28 2006
OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 2005

ARTHUR O. ARMSTRONG,

Petitioner,

vs.

KOURY CORPORATION, et al

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NORTH CAROLINA 27822
(252)236-7912

QUESTIONS PRESENTED

Did the trial court judge breach the Federal Constitution and the United States statutes when he, arbitrarily, failed to consider Plaintiff's petition pursuant to his September 12, 1997 ORDER

Is a litigant entitled to due process of law from a constitutional violation.

Is a civil litigant entitled to judgment relief pursuant to the Federal Rules of Civil Procedure when the evidence indicates that the defendant failed to conform to the requirements of the Federal Constitution and statutes.

PARTIES TO THE PROCEEDINGS

In addition to the parties named in the caption:

Arthur O. Armstrong
v.
Koury Corporation
City of Greensboro
Holiday Inn
Mo Milani
Bill Jessup
Matthew Martin

Arthur O. Armstrong
v.
United Companies
Benjamin S. Marks
Clerk of Court
H. Terry Hutchens
Invertine
Michael F. Easley

Arthur O. Armstrong
v.
City of Greensboro
D.W. Scott, Jr.
Chief of Police
Ernest Albright

Arthur O. Armstrong
v.
Michael F. Easley
Magistrate Judge
R. G. Bateman
B. J. Antonelli

Arthur O. Armstrong
v.
Watson
Cook
City of Greensboro
Chief of Police

Arthur O. Armstrong
v.
William L. Osteen
United States
Clerk of Court

Arthur O. Armstrong
v.
M. H. Goodwin
City of Durham
Michael F. Easley
Mike NiFong
Asst. D. A.

SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG,)
Appellant,)
)
v.)
)
KOURY CORPORATION, et al)
Appellees.)

Certificate of Interested Persons and Corporate Disclosure Statement

In accordance to Rule 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the particular case or appeal and any other identifiable legal entities related to a party:

Arthur O. Armstrong
Jonathan A. Berkelhammer
Laura Diddish Burton
Greensboro, City of
Holiday Inn Hotel
Bill Jessup
Koury Corporation
Matthew Martin
Mo Milani
The Honorable William L. Osteen

ARTHUR O. ARMSTRONG,)
Appellant,)
)
v)
)

D. W. SCOTT, et al)
Appellees.)

Certificate of interested Persons and Corporate Disclosure Statement

In accordance to Rule 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the particular case or appeal and any other identifiable legal entities related to a party:

Arthur O. Armstrong
Lindsay L. Davis, Jr, Esq.
Greensboro Chief of Police
City of Greensboro
D. W. Scott, Jr
Richard Thompson Wright, Esq.

ARTHUR O. ARMSTRONG,)
Appellant,)
)
v.)
)
R. G. BATEMAN)
Appellees.)

Certificate of Interested Persons and Corporate Disclosure Statement

In accordance to Rule 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the

particular case or appeal and any other identifiable legal entities related to a party:

Arthur O. Armstrong
J. B. Antonelli
R. G. Bateman
Roy Cooper, Esq.
Joan Doe
Michael F. Easley
William L. Osteen

ARTHUR O. ARMSTRONG,)
Appellant,)
)
v.)
)
WATSON, COOK,)
Appellees.)

Certificate of Interested Persons and Corporate Disclosure Statement

In accordance to Rule 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the particular case or appeal and any other identifiable legal entities related to a party:

Arthur O. Armstrong
Cook
Daugherty
City of Greensboro
William L. Osteen
Watson
Richard Thompson Wright, Esq.

ARTHUR O. ARMSTRONG,)
Appellant,)
)
v.)
)
WILLIAM L. OSTEEN,)
Appellees.)

Certificate of Interested Persons and Corporate Disclosure Statement

In accordance to Rule 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the particular case of appeal and any other identifiable legal entities related to a party:

Arthur O. Armstrong
William L. Osteen
Carlton L. Tilley
United States
United States Atorney General

ARTHUR O. ARMSTRONG,)
Appellant,)
)
v.)
)
UNITED COMPANIES,)
Appellees.)

Certificate of Interested Persons and Corporate Disclosure Statement

In accordance to Rule 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the particular case or appeal and any other identifiable legal entities related to a party:

Arthur O. Armstrong
Clerk of Court
Roy Cooper, Esq.
Michael F. Easley
H. Terry Hutchens
Benjamin S. Marks, Jr.
William L. Osteen
United Companies

ARTHUR O. ARMSTRONG,)
Appellant,)
)
v.)
)
M. H. GOODWIN, et al)
Appellees)

In accordance to Rule 29.6:

Certificate of Interested Persons and Corporate Disclosure Statement

In accordance to 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the particular case or appeal and any other identifiable legal entities related to a party:

Arthur O. Armstrong
Durham, City of
Michael F. Easley
Mike NiFong

Respectfully submitted this the 19th day of August, 2006

Respectfully submitted,

/s/ Arthur O. Armstrong, Appellant

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NC 27822
252-236-7912

SUPREME COURT OF THE UNITED STATES

Armstrong v. Koury Corporation, et al

DISCLOSURE OF CORPORATE AFFILIATION AND OTHER ENTITIES WITH A DIRECT FINANCIAL INTEREST IN LITIGATION

Pursuant to 29.6

Arthur O. Armstrong who is Appellant makes the following disclosure:

1. Is party/amicus a publicly held corporation or other publicly held entity?
( ) YES (X) NO

2. Does party/amicus have any parent corporation?
( ) YES (X) NO

3. Is 10 percent or more f the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?
( ) YES (X) NO

4. Is there any other publicly held corporation or publicly held entity that has a direct financial interest in the outcome of the litigation?
( ) YES (X) NO

5. Is the party a trade association?
( ) YES (X) NO

/s/ Arthur O. Armstrong (signature) August 19, 2006 (date)

TABLE OF CONTENTS

	Page
Question Presented	i
Parties to the Proceedings	ii
Corporate Disclosure Statements ...	iii
Table of Contents	x
Table of Citations	xii
Opinion Below	1
Statement of Jurisdiction	1
Constitutional and Statutory Provision Involved	1
Statement of the Case	2
A. Background of the 2006 Judgment	2
B. Proceedings Below	3
Armstrong v. Koury Corporation	3
Armstrong v. United Companies	4
Armstrong v. William L. Osteen	5
Armstrong v. R.G. Bateman	7
Armstrong v. M.H. Goodwin	8
Armstrong v. Sylvester Daugherty ..	9
Reasons for granting the Writ	10

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings or sanctioned such a departure by a lower court, as to call for an supervisory power;

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of United States court of appeals;

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

Contents

Conclusion 11

TABLE OF CITATIONS

Cases Cited:

Ash v. Board of Ed. of Woodhaven School Dist. 699 F. 2d 822 ..... passin

Bell v. Maryland [1964] 9

Castro v. United States 775 F.2d 399, 410 (1st Cir. 1985) 6

G. M. Leasing v. United States, 429 U.S. 338 (1977) ..... passim

Great West Life Assur. Co. v. Levithan, 834 F. Supp. 858 (E.D. Pa 1993) ..... passim

Kush v. Rutledge, 460, U.S. 719, 103, S. Ct. 1483, 75 L. Ed. 2d 413 (1983) ..... passim

Masson v New York Magazine, 501 US 496, 115 L Ed 447 111 S. Ct 10

Owen v. City of Independence, (1980 US) 63 L Ed. 2d 673, S. Ct. 1398 ..... passim

Ricci v. Murphy, 1992 CAL Mass, 979 F. 2d 259 8,10

Contents

Statutes Cited:

28 U.S.C. § 1254(1) 1,2

28 U.S.C. § 1746 ..... passim

42 U.S.C. § 1983 2

42 U.S.C. § 1985 2

42 U.S.C. § 1986 2

United States Constitution Cited:

Fourth Amendment 5,7,8,10

Fourteenth Amendment 4,5,6,7

APPENDIX

Appendix A -
Opinion of the United States Court of Appeals for the Fourth Circuit Filed July 06, 2006 ..... 1a

Appendix B -

Appendix C -
Order of U.S. District Court filed June 12, 1998.. 2a

Koury Corporation - 96-87
Reconsideration motion 5a
Amended Complaint 8a

United Companies - 98-59
Reconsideration motion 12a
Amended Complaint 15a

Contents

United States - 99-71
Reconsideration motion 19a
Amended Complaint 22a

M. H. Goodwin - 00-123
Reconsideration motion 25a
Amended Complaint 27a

R. G. Bateman - 00-50
Reconsideration motion 31a
Amended Complaint 33a

Slylvester Dasugherty 95-434
96-855
Reconsideration motion 37a
Amended Complaint 40a

Fourteenth Amendment 44a
Fourth Amendment 44a
§ 1983 ..... 44a
§§ 1985 & 1985... ..... 45a

Petitioner, Arthur O. Armstrong, respectfully requests that a writ of certiorari be issued to review the judgment of the United States Court of Appeals for the Fourth Circuit in this case.

OPINION BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit No. 03-293 CA-03-40 is reported at: Arthur O. Armstrong, can be found at (App. A). The order of the district court is reported at: Arthur O. Armstrong v. Koury Corporation, et al., No. 1:97-CV-01028 can be found at (App. C).

STATEMENT OF JURISDICTION

The judgment of the United States Court of Appeals for the Fourth Circuit ("Court of Appeals") was entered on July 6, 2006.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

4th Amendment provides: "The rights ... to be secured ... and violating constitutional prohibitions against warrants issued without probable cause."

G. M. Leasing v United States. 426 U.S. 338 (1977).

14th Amendment provides: "... No State shall ... deprive any person of life,

liberty or property without due process of law ... nor deny any person ... equal protection of the laws."

Ash v. Board of Ed. of Woodhaven School Dist. 699 F. 2d 822.

28 U.S.C. §1254(1)

42 U.S.C. §1983

42 U.S.C. §§1985 - 1986

STATEMENT OF THE CASE

The fundamental question in this case is whether a litigant is entitled to mandamus relief if the litigant complied with the June 12, 1998 district court Order - filing a Petition and copy of the Order for consideration and the Judge refused to consider such viable Petition. To fully appreciate the significant of the issues presented by this case, it is essential to consider the procedural background.

A. Background of the 2006 Judgment

On June 12, 1998, the United States District Court for the Middle District of North Carolina enjoined Arthur O. Armstrong from filing any documents in the federal courts without first seeking leave of court to file (see June 12, 1998 Order) and that leave "shall be forthcoming upon Plaintiff's demonstrating through a properly filed motion, pursuant to Local Rule 7, MDNC ... (1) can survive a challenge under Rule 12 ... (2) not barred

by principles of issue or claim preclusions: (3) is not repetitive or violative of a court order; and (4) is in compliance with Rule 11 of the Federal Rules of Civil Procedure." Plaintiff's Amended Complaints at: Armstrong vs.: Koury Corporation; William L. Osteen; United Companies; Watson Cook & D. W. Scott, Jr., H. M. Goodwin and R. G. Bateman (See Motions for Reconsideration pages: 5a, 12a, 19a, 25a, 31a, 37a.)

B. The Proceedings Below: On or about May 18, 2006, plaintiff filed motion in the United States Court of Appeals for the Fourth Circuit for leave to file motion for petition for a writ of mandamus. On July 6, 2006, the United States Court of Appeals For the Fourth Circuit denied plaintiff leave to file motion for a writ of mandamus (See Order at: 03-293 CA-03-40, App. (A), page 1a.)

Armstrong v Koury Corporation, et al

That on November 30 and December 1, 1995 in Guilford County, North Carolina, the appellees acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others. Great West Life Assur. Co. v. Levithan, 834 F. Supp. 858 (E.D. Pa 1993), when the appellees failed to conform to the requirements of the Federal Constitution and U.S. statutes, Owen v City of Independence, (1980 US) 63 L. Ed. 2d 673. S. Ct. 1398, when the appellees acted with racial discrimination against the appellant and denied appellant accommodation of the Hotel Holiday Inn Complex in violation

of the Fourteenth Amendment to the Constitution of the United States, Ash v Board of Ed. of Woodhaven School Dist. 699 F. 2d. 822, on false reports that appellant committed a criminal act, Bell v. Maryland [1964]. The appellees acted in a conspiracy against the appellant. They aided and abetted after the fact such a conspiracy, Kush v Rutledge, 460, U.S. 719, 103, S. Ct. 1483, 75 L. Ed. 2d. 413 (1993). As a direct and proximate result of appellees' action, the appellant suffered continuing injuries including but not limited to: mental distress, mental anguish, psychic injury, humiliation, injury to his reputation. I pray for judgment in the sum of $125,000,000.

Armstrong v United Companies, et al

On September 24, 1998 in Guilford County, NC, the appellees acted with reckless indifference and wanton disregard for the truth of falsity and the rights of appellant and others, Great West Life Assur. Co. v Levithan, 834 F Supp. 858 (E.D. Pa 1993) when the appellees failed to conform to the requirements of the federal constitution and the U. S. statutes, Oven v City of Independence, (1980 US) 63 L. Ed. 2d 673, S. Ct. 1398, when the appellees conspired, Kush v. Rutledge, 460, U.S. 710, 103, S. Ct. 1483, 75 L. Ed. 2d. 413, (1983) to go in disguise on the premise of the Guilford County Courthouse for the purpose of depriving either directly or indirectly Mr. Armstrong the equal protection of the laws or of equal privileges and immunities under the laws for the purpose of preventing or hindering the constituted authorities

in any State or Territory from giving or securing to Mr. Armstrong the Equal protection of the laws when the appellees arbitrarily sold appellant's residential property in violation of the Fourteenth Amendment to the Constitution of the United States, Ash v Board of Ed. of Woodhaven School Dist. 699 F. 2d. 822. Subsequently, on April 29, 1999, the appellees, without probable cause, made an entry without a warrant, onto private areas of personal premise of appellant, invaded his privacy; seized his residential property in violation of the Fourth Amendment to the Constitution of the United States, G. M. Leasing v. United States, 429 U.S. 338 (1977). The appellees made false statement to Federal Authorities in the Bankruptcy Court of the Middle District of North Carolina. That the appellees made libel statement in stating that appellant maintained a loan balance and a loan balance with UC Lending in the sum of $113,000. As a direct and proximate result of appellees' action, the appellant suffered continuing injuries including but not limited to: mental distress, mental anguish, psychic injury, psychic injury, humiliation and injury to his reputation. I pray for judgment in the sum of $200,000,000.

Armstrong v William L. Osteen, et al

On or about October 1, 1999, the appellees acted with reckless indifference and wanton disregard for the truth or falsity and the rights of appellant and others, Great West Life Assur. v. Levithan, 834 F. Supp. 858 (E.D. Pa 1993), when the appellees failed to conform to the

requirements of the federal constitution and the U.S. statutes, Owen v. City of Independence (1980 US) 63 L. Ed. 2d. 673, S. Ct. 1398, when appellees conspired against the appellant, Kush v. Rutledge, 460, U.S. 719, 103, S. Ct. 1483, 75 L. Ed. 2d. 413, (1983) when the clerk refused to acknowledge the receipt of appellant's September 9, 1999 document when the appellee falsely statement that the document thereof was not received on September 9, 1999, however district court signed for it. That district court also failed to conform to the requirements of the federal constitution and statutes when the Honorable William L. Osteen, without probable cause, totally and arbitrarilly restricted appellant access to the federal courts until appellant paid Koury Corporation $4,725 with regard to any action, including action unrelated to Koury. See Castro v. United States, 775 F.2d 399, 410 (1st Cir. 1985). No person "shall ever be denied his right to the processes of the court." In re Green, 598 F. 2d. 1126, 1127, (8th Cir. 1979).

In Osteen's June 12, 1998 Order and Injunction, the appellee acted with libel statement against the appellant in calling the appellant a parasite and a predator, sort of promoting segregation in violation of the Fourteenth Amendment to the Constitution of the United States. The appellees aided and abetted after the fact such a conspiracy, Kush v. Rutledge, 460, U.S. 719, 103, S. Ct. 1483, 75, L. Ed. 2d. 413 (1983). As a direct and proximate result of appellees' action, appellant suffered continuing injuries

including but not limited to: mental distress, mental anguish, psychic injury, humiliation, injury to his reputation. I pray for judgment in the sum of $500,000,000.

Armstrong v R. G. Bateman, et al

On April 16, 1999 in Guilford County North Carolina, the appellees acted reckless indifference and wanton disregard for the truth or falsity and the rights of appellant and others when the appellees failed to conform to the requirements of the federal constitution and statutes, Owen v City of Independence, (1980 US) 63 L. Ed. 2d. 673, S. Ct. 1398. That the appellees conspired Kush v Rutledge, 460, U.S. 719, 103, S. Ct. 1483 75 L. Ed. 413, (1983), to go in disguise on the highway for the purpose of depriving either directly or indirectly Mr. Armstrong of equal protection of the laws or of equal privileges and immunities under the laws or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to Mr. Armstrong the equal protection of the laws when the appellees, without probable cause, stopped and detained appellant, made an entry without a warrant onto private areas of personal premise of appellant; invaded his privacy and seized his property in violation of the Fourth Amendment to the Constitution of the United States, G.M. Leasing v United States, 429 U.S. 338 (1977). Arrested the appellant and jailed him in violation of the Fourteenth Amendment, Ash v. Board of Ed. of Woodhaven School Dist. 699 F. 2d. 822. On June 2,

2000 the appellees, without a scintilla piece of evidence, and without probable cause, Murphy, 1992 CAL Mass, 979 F. 2d 259; arrested and jailed appellant for a purported failure to appear and put him under a $500 bond; Ash v Board of Ed. of Woodhaven School Dist. 699 F. 2d. 822. The appellees aided and abetted after the fact such a conspiracy, Kush v Rutledge, 460, U.S. 719, 103, S. Ct. 1483, 75 L. Ed. 2d. 413 (1983). As a direct and proximate result of appellees' action, appellant suffered continuing injuries including but not limited to: mental distress, mental anguish, psychic injury, humiliation and injury to his reputation. I pray for judgment in the sum of $100,000,000 from the appellees.

Armstrong v M. H. Goodwin, et al

On January 12, 2000 in Durham County, North Carolina, the appellee acted with reckless indifference and wanton disregard for the truth or falsity and the rights of appellant and others; Great West Life Assur. Co. v. Levithan, 834 F. Supp. 858 (E. D. Pa 1993) when the appellee failed to conform to the requirements of the federal constitution and the statutes, Owen v City of Independence (1980 US) 63 L Ed. 2d 673, S. Ct. 1398, when the appellee, without probable cause, Ricci v Murphy, 1992 CAL Mass, 979 F. 2d 259, stopped and detained appellant; made an entry without a warrant onto private areas of personal premise of appellant; invaded his privacy; seized his driver's license in violation of the Fourth Amendment to the Constitution of the United States G. M. Leasing v. United States, 429 U.S. 338 (1977).

As direct and proximate result of the appellee's action, appellant suffered continuing injuries including but not limited to: - mental distress, mental anguish, psychic injury, humiliation and injury to his reputation. I pray for judgment in the sum of $100,000,000.

Armstrong v. Sylvester Daugherty, et al

On September 25 1992 and October 3, 1996 in Guilford County, North Carolina, the appellees failed to conform to the requirements of the Federal Constitution and the United States statutes Owen v. City of Independence, (1980 US) 63 L. Ed. 2d 673, S. Ct. 1398 when the appellees acted with reckless indifference and wanton disregards for the truth or falsity and the rights of appellant and others - Great West Life Assur. Co. v. Levithan, 834 F. Supp. 858 (E.D. Pa. 1993). The appellees conspired, See Kush v. Rutledge, 460 U.S. 719, 103 S.CT. 1483 75 Ed.2d 413 (1993) to go in disguise on the highway and on the premise of appellant for the purpose of depriving either directly or indirectly, Ash v Board of Ed. of Woodhaven School Dist. 699 F. 2d 822 Mr. Armstrong equal protection of the laws or of equal privileges or immunities under the laws Bell v. Maryland [1964] or for the purpose of hindering or preventing the constituted authorities of any State or Territory from giving or securing to appellant in any State or Territory the equal protection of the laws when the appellees acted with including but not limited to; malice, fraud, RICO, arbitrariness, capriciousness, oppression, defamation, conspiracy, gross negligence, misrepresentation, deceit, trickery, making false reports, and without

probable cause, Ricci v. Murphy, 1992 CAL Mass, 979 F. 2d 259, made an entry without a warrant onto private areas of personal premise of appellant, invaded his privacy and seized his property in violation of the Fourth Amendment to the Constitution of the United States; G. M. Leasing v. United States, 429 U.S. 338 (1977) made libel statements; Masson v. New York Magazine, 501 US 496, 115 L Ed 2d 447 111 S. Ct. The appellees aided and abetted after the fact such a conspiracy, Kush v Rutledge , 460 U.S. 719, 103, S, Ct. 1483, 75 L. Ed. 2d 413 (1983). As a direct and proximate result of the appellees' action, appellant suffered continuing injuries, including but not limited to; mental distress, psychic injury, injury to his reputation, mental anguish and humiliation, I pray for judgment from the defendants in the sum of $200,000,000.

REASONS FOR GRANTING THE PETITION

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States of appeals in the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of the Court's supervisory power;

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or a United States Court of Appeals;

(c) a state court of a United States Court of Appeals has decided an important question of federal law that has not been, but should be settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

CONCLUSION

Because of the foregoing, Mr. Armstrong respectfully requests that his petition for a writ of certiorari be granted.

Respectfully submitted,

Arthur O. Armstrong
8113 Pleasant Hill Road
Elm City, NC 27822
252-236-7912

APPENDIX

App. A

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
July 6, 2006

No. 03-293
CA-03-40

In Re: ARTHUR O. ARMSTRONG

Petition

ORDER

Petitioner's motions for leave to file petition for writ of mandamus, filed to date, are denied.

For the Court

/s/ Patricia S. Connor

CLERK

App. C

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

ARTHUR O. ARMSTRONG,	)	1: 97CV01028
	)	
Plaintiff,	)	FILED JUN 12, 1998
	)	
v.	)	
	)	
KOURY CORPORATION,	)	
	)	
Defendant.	)	

ORDER AND INJUNCTION

OSTEEN, District Judge

In accordance with the memorandum opinion filed contemporaneously herewith, the court enters the following orders and injunctions:

The court **GRANTS** Defendant Koury Corporation's Motion to Dismiss and for summary judgment [3]

The court **GRANTS** Defendant's Motion for sanctions in the form of costs and attorneys' fees. Defendant has until June 26, 1998, at 12 noon, to submit evidence of costs and attorneys' fees. Plaintiff has until July 10, 1998, at noon in which to respond.

To protect the courts, this named Defendant, and any potential defendants from the harassment of frivolous and vexatious litigation initiated by Plaintiff, the court issues the following injunctions:

1. The court enjoins Plaintiff, or anyone acting on his behalf, from filing any action in any court, state or federal,

against Koury Corporation, or any agent, employee or assignee of Koury Corporation, without first obtaining leave of this court [16]

2. The court enjoins Plaintiff, or anyone acting on his behalf, from filing any new action or proceeding in any federal court, without first obtaining leave of that court;

3. The court enjoins Plaintiff from filing any further papers in any case, either pending or terminated, in the Middle District of North Carolina, without first obtaining leave of court.

Since Plaintiff has disregard injunctions, the court finds it likely Plaintiff will attempt to ignore this court's action, therefore,

The court ORDERS the clerk to this court to refuse to accept any submissions for filing except petitions for leave to court, unless such filing are accompanied by an order of this court granting leave. In the event that Plaintiff succeeds in filing papers in violation of this order, upon such notice, the clerk of court shall, under authority of this court order, immediately and summarily strike the pleadings or filings.

Leave of court shall be forthcoming upon Plaintiff's demonstrating through a properly filed motion, pursuant to Local Rule 7, MDNC, that the proposed filing: (1) can survive a challenge under Rule 12 of the Federal Rules of Civil Procedure; (2) is not barred by principles of issue or claim preclusion: (3) is not repetitive or violative of a court order: and (4) is in compliance with Rule 11 of the Federal Rules of Civil Procedure.

The court ORDERS Plaintiff to attach

a copy of this order and injunction to any such motion for leave of court.

This order does not apply to the filing of timely notices of appeal from this court to the Court of Appeals and papers solely in furtherance of such appeal.

This Court **ORDERS** the clerk of court to file and enter into the docket this memorandum opinion, order and injunction and provide a copy of same to all parties in each case against whom Plaintiff has action pending in this district.

The Court **ORDERS** the clerk of court for the Middle District of North Carolina to provide a copy of the accompanying memorandum opinion, order and injunction to the clerk of court for the United States District Court for the Eastern District of Pennsylvania.

The court **ORDERS** the clerk of court for the Middle District of North Carolina to enter into the record the nineteen (19) docket sheet from the Eastern District of Pennsylvania set out in footnote 10 of the accompanying memorandum opinion.

The court **DENIES** Plaintiff's Motion for Summary Judgment (7, 11).

The court **DENIES** Plaintiff's Motion to amend Plaintiff's Complaint [9].

The court **DENIES** Plaintiff's request [for] leave to delete Koury Corporation [20].

The court **DENIES** any remaining motions not specifically mentioned herein. Judgment will be entered after the court determines Defendant's reasonable attorneys' fees and costs.

This the 12th day June 1998.

/s/ William L. Osteen
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG	)	96-CV-00087
	)	
vs.	)	PLAINTIFF'S MOTION FOR
	)	LEAVE TO FILE MOTION
MO MILANI, et al	)	FOR RECONSIDERATION
	)	WITH SUPPORTING
	)	AFFIDAVIT AND DOCUMEN-
	)	TATION (BRIEF II)

NOW COMES, Arthur O. Armstrong, the Plaintiff and moves this Honorable Court, with supporting affidavit and documentation, for leave to file motion for reconsideration for reason more fully set forth in the party's brief.

IN SUPPORT HEREOF, plaintiff shows unto the Court that:

I. On or about June 12, 1998 district court dismissed plaintiff's complaint for failure to state a claim. Plaintiff's amended complaint cures all defects..

NOW THEREFORE, plaintiff files his brief in support of his motion.

II. On or about November 30, and December 1, 1995, in Guilford County, NC, the Defendants acted in a conspiracy against he Plaintiff (affidavit, p. 2, ¶7). In the furtherance of such a conspiracy, the Defendants failed to conform to the requirement of the Federal Constitution and the statutes when Defendants denied the Plaintiff the accommodation and privileges of the Holiday Inn Hotel and kicked him out in violation of the Fourteenth Amendment to the Constitution of the United States (id., ¶12).

the defendants aided and abetted after the fact such a conspiracy (id., ¶16). As a result of the defendants' action plaintiff suffered continuing injury including but not limited to: humiliation, mental distress, mental anguish, psychic injury and injury to his reputation. I pray for judgment in the sum of $125,000,000 from the defendants (id., ¶19).

SUMMARY:

Because of the foregoing, plaintiff respectfully requests that leave to file motion for reconsideration, in accordance to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 19th day of August, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT Hill ROAD
ELM CITY, NC 27822
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

August 19, 2006

/s/ Arthur O. Armstrong, Appellant

CERTIFICATE OF SERVICE

This is to certify that I served all parties a copy of motion for reconsideration by depositing a copy of same in the United States Mail with adequate postage affixed thereon to ensure delivery, in an envelope addressed as follows:

U.S. REGULAR MAIL
Jon A. Berkelhammer, Esq.
Smith Helms Mulliss & Moore, L.L.P
300 North Greene Street, Suite 1400
P. O. Box 21927
Greensboro, NC 27420

This 22nd day of January, 2006

/s/ Arthur O. Armstrong
252-236-7912

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG, PLAINTIFF,	96-CV-00087 :
vs.	Civil Rights Violation
CITY OF GREENSBORO, JOSEPH S KOURY, KOURY CORPORATION/ HOLIDAY INN HOTEL, MO MILANI, BILL JESSUP, AND MATTHEW MARTIN, DEFENDANTS.	42 U.S.C. §§1983,85,86 **AMENDED COMPLAINT**

Plaintiff alleges and says:

1. Plaintiff is a resident of the City of Elm City, County of Wilson, State of North Carolina and resides at 8113 Pleasant Hill Road of that city.

2. Defendant Joseph S. Koury is the owner of Koury Corporation Holiday Inn Hotel Complex located in the City of Greensboro, County of Guilford, and State of North Carolina and subject to public control.

3. Defendant koury Corporation is the owner of the Holiday Inn Hotel Complex, located at 3121 High Point Road, Greensboro, NC 27407 existing under the regulation of the local government.

4. Defendant Mo Milani is the general manager of the Holiday Inn Hotel thereof.

5. Defendant Bill Jessup is the beverage manager of the Holiday Inn Hotel thereof.

6. Defendant Matthew Martin is

the Manager of Club Fifth Seasons at the Holiday Inn Hotel thereof.

7. On or about November 30, and December 1, 1995, in Guilford County, North Carolina, defendant Joseph S. Koury violated plaintiff's civil rights when defendants employees, without probable cause, acted with including but not limited to: arbitrariness, capriciousness, fraud, malice, racial discrimination, gross negligence, conspiracy, falsity, trickery, deceit and misrepresentation against plaintiff and denied plaintiff accommodation and privileges of the Holiday Inn Hotel in violation of the Fourteenth Amendment to the Constitution of the United States when they acted with reckless indifference and wanton disreard for the truth or falsity and the rights of plaintiff and others.

8. That the plaintiff is Black and defendants, are White. And at all times relevant, plaintiff's conduct was impeccable.

9. Defendant acted with racial discrimination when defendant denied and deprived plaintiff of privileges of the Hotel accommodations to enforce racial segregation.

10. The conduct complained of was engaged in under color of State law and that such conduct subjected plaintiff of the deprivation of rights, privileges and amenities secured by the Federal Constitution and United States laws while engaged in the conduct complained of.

11. In the furtherance of such conspiracy, defendants did some act or omitted some duty and as a result of such omission and commission plaintiff was

deprived of having and exercising any right of a citizen of the United States.

12. That defendant Mo Milani acted with wantonness in its failure to investigate or investigated every phase of the matter and failed or discovered that plaintiff was denied accommodation and privileges of the Holiday Inn Hotel, but acted reckless indifference and wanton and malicious disregards as to the consequence and the rights of plaintiff and others.

13. Defendant Matthew Martin acted with falsity in stating that plaintiff acted with abusiveness amid other things.

14. That the defendants, had knowledge of the wrongs conspired to be done, and had the power to prevent or aid in the preventing the commission of the same, but neglected and refused so to do.

15. 42 U.S.C. §1985 prohibits conspiracies to interfere with civil rights and §1986 proscribes knowing neglect to prevent (or aid or abet after the fact) such a conspiracy.

16. That Defendant Koury Corporation acted with fraud when it represented to plaintiff that his conduct was abusive.

17. As a direct and proximate result of the action of the defendants, plaintiff suffered continuing injuries, including, but not limited to, mental distress, injury to his reputation, psychic injury, mental anguish and humiliation. Plaintiff prays for judgment of $125,000,000.00 for damages caused by such wrongful act.

WHEREFORE, plaintiff prays for judgment from the defendants as follows:

1. Compensatory and punitive damages

under 42 U.S.C. §§ 1983, 1985 and 1986 Civil Rights Act.

2. Punitive and exemplary damages against individual defendant under 42 U.S.C. §§ 1983, 1985 and 1986 Civil Rights Act.

3. Intangible harm:

4. That it have reasonable attorney's fees from the defendants in accordance to the Civil Rights Act, U.S.C. § 1988, or as a component of punitive damages.

5. For Costs and Expenses as part of the 42 U.S.C. §§ 1985 and 1986 Civil Rights Act; and such other and further relief as the Court deems just and proper.

Respectfully submitted this the 25th day of March, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues raised by the pleading in this action.

/s/ Arthur O. Armstrong
252-236-7912

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG)	98-MC-00059
)	
vs.)	PLAINTIFF'S MOTION FOR
)	LEAVE TO FILE MOTION
UNITED COMPANIES,)	FOR RECONSIDERATION
et al)	WITH SUPPORTING
)	AFFIDAVIT AND DOCUMEN-
)	TATION (BRIEF II)

NOW COMES, Arthur O. Armstrong, the Plaintiff and moves this Honorable Court, with supporting affidavit and documentation, for leave to file motion for reconsideration for reason more fully set forth in the party's brief.

IN SUPPORT HEREOF, plaintiff shows unto the Court that:

I. On or about October 12, 1998 district court dismissed plaintiff's complaint for failure to state a claim. Plaintiff's amended complaint cures all defects..

NOW THEREFORE, plaintiff files his brief in support of his motion.

II. On or about September 24, 1998 in Guilford County, NC, the Defendants failed to conform to the requirement of the Federal Constitution and the statutes (affidavit p. 2, ¶10). The defendant conspired against the plaintiff. In the furtherance of such a conspiracy the defendants failed to conform to the requirements of the federal constitution and statutes (id., ¶16). The defendants acted with malicious defamation and perjury against plaintiff (id, ¶¶13,14,15) Defendants aided and abetted after the fact such a conspiracy (id., ¶18).

As a result of the defendants' action plaintiff suffered continuing injury including but not limited to: humiliation, mental distress, mental anguish, psychic injury and injury to his reputation. I pray for judgment in the sum of $200,000,000 from the defendants (id., ¶19).

SUMMARY:

Because of the foregoing, plaintiff respectfully requests that leave to file motion for reconsideration, in accordance to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 19th day of August, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT Hill ROAD
ELM CITY, NC 27822
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

August 19, 2006

/s/ Arthur O. Armstrong, Appellant

CERTIFICATE OF SERVICE

This is to certify that I served all parties a copy of motion for reconsideration by depositing a copy of same in the United States Mail with adequate postage affixed thereon to ensure delivery, in an envelope addressed as follows:

U.S. REGULAR MAIL
Roy Cooper, Esq.
OFFICE OF THE ATTORNEY GENERAL
OF NORTH CAROLINA
Justice Department
P. O. Box 629
Raleigh, NC 27602

This 22nd day of January, 2006

/s/ Arthur O. Armstrong
252-236-7912

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG, PLAINTIFF,	C.A. NO. 98-MC-00059
vs.	**Amended Complaint**
MICHAEL F. EASLEY, DAVID L. CHURCHILL, UNITED COMPANIES, BENJAMIN S. MARKS, H. TERRY HUTCHENS, CONNIE INVERSTINE, MARY T. POLLARD, BRENDA FLINCLUM, DEFENDANTS.	CIVIL RIGHTS VIOLATION (42 U.S.C.§§1983,85,86)

Plaintiff alleges and says:

1. Plaintiff resides at 8113 Pleasant Hill Road, City of Elm City, County of Wilson, and State of North Carolina

2. Defendant Michael F. Easley is the Chief State Executive Officer of North Carolina.

3. Defendant David L. Churchill is the Clerk of Court.

4. Defendant Benjamin S. Marks is an attorney licensed by the State of North Carolina, retained by the Defendant UC Lending Corporation.

5. Defendant H. Terry Hutchens, an attorney and substitute trustee for defendant UC Lending Corporation, licensed by the State of North Carolina with its lawfirm, Singleton, Hutchens & Senter, located at P. O. Box 2505, Fayetteville, North Carolina 28302.

6. Defendant Assistant Clerk, Mary T. Pollard an elected state official superintend the routine business of the

court of law.

7. Defendant Connie Inverstine is a litigation specialist for the defendant UC Lending Corporation with office located in the City of Baton Rouge, LA.

8. Defendant Brenda M. Flinclum is the assistant clerk of Guilford County Superior Court.

9. Defendant United Companies is a mortgage company with offices located in the State of Louisiana.

10. On September 24, 1998 in Guilford County North Carolina the defendant acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when the defendants failed to conform to the requirements of the federal constitution and the statutes when defendants acted with including but not limited to: falsity, capriciousness, arbitrariness, fraud, deceit, misrepresentation, RICO, trickery, conspiracy, defamation, gross negligence, malice, perjury, oppression, and sold plaintiff's 309 Leland Drive residential home in violation of the Fourteenth Amendment to the Constitution.

11. That the conduct complained of was engaged in under color of state law and that such conduct subjected plaintiff of the deprivation of rights, privileges and amenities secured by the federal constitution and statute while engaged in the conduct complained of.

12. On or about July 28, 1998, defendant UC Lending acted with malicious publication of notice of foreclosure sale of plaintiff's residential property when Defendant H. Terry Hutchens had such information printed in the News and Record

Legal Ad Department.

13. That the defendant UC Lending acted with defamation against plaintiff when defendant Hutchens advertised plaintiff's 309 Leland Drive property on the premise that plaintiff defaulted in payment of $113,687.60.

14. Defendant Connie Inverstine acted with perjury in stating under oath that plaintiff maintained a loan transaction with UC Lending Corporation

15. That defendant made false statement to federal authorites when defendant UC Lending stated falsely to United States Bankruptcy Court, 97-14739, that plaintiff maintained a $113,867,60 secured loan when in fact plaintiff had no loan transaction with UC Lending in any way.

16. That the defendants on or about April 29, 1999, conspired to go on the premise of Mr. Armstrong for the purpose of depriving either directly or indirectly of him equal protection of the laws or of equal privileges and immunities under the laws when to defendant without probable cause made an entry without a warrant onto the private areas of personal premises of plaintiff's and invaded his privacy and seized his property to satisfy fraud liability in violation of the Fourth Amendment to the Constitution of the United States.

17. That the defendants had knowledge of the wrongs conspired to be done and had the power to prevent of aid in preventing the commission of the same but neglected and refused so to do.

18. That § 1985 prohibits conspiracies to interfere with civil rights, and § 1986 proscribes knowing neglect to prevent (or aid or abet after

the fact) such a conspiracy.

19. As a direct and proximate result of the defendants' action, plaintiff has suffered continuing injury, including, but not limited to, loss of his home, mental distress, mental anguish, psychic injury, and injury to his reputation. I pray for judgment in the sum of $200,000,000.00.

WHEREFORE, plaintiff respectfully requests the following relief:

1. A sum of $200 million for compensatory and punitive damages from the defendants under 42 U.S.C. §§ 1983 and 1985 and 1986 Civil Rights Act.

2. Intangible harm

3. That it have reasonable attorney's fees from the defendants in accordance to the Civil Rights Attorney's Award Act under 42 U.S.C. § 1988 - Civil Rights Act, or as a component of punitive damages.

4. For costs and expenses as part of the 42 U.S.C. §§ 1983 and 1985 and 1986 - Civil Rights Act, and such other and further relief as the court may deem just and proper.

Respectfully submitted this the 9th day of July, 2005.

/s/ Arthur O. Armstrong

Arthur O. Armstrong, Plaintiff
8113 Pleasant Hill Road
Elm City, NC 27822

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues raised by the pleadings in this case.

/s/ Arthur O. Armstrong, Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG)	99-MC-00071
)	
vs.)	PLAINTIFF'S MOTION FOR
)	LEAVE TO FILE MOTION
WILLIAM L. OSTEEN,)	FOR RECONSIDERATION
et al)	WITH SUPPORTING
)	AFFIDAVIT AND DOCUMEN-
)	TATION (BRIEF II)

NOW COMES, Arthur O. Armstrong, the Plaintiff and moves this Honorable Court, with supporting affidavit and documentation, for leave to file motion for reconsideration for reason more fully set forth in the party's brief.

IN SUPPORT HEREOF, plaintiff shows unto the Court that:

I. On or about May 13, 2000, district court denied plaintiff's complaint for failure to state a claim. Plaintiff's amended complaint cures all defects..

NOW THEREFORE, plaintiff files his brief in support of his motion.

II. On or about October 1, 1999, in Guilford County, NC, the Defendants acted in a conspiracy against the Plaintiff (affidavit, p. 1, ¶6). In the furtherance of such a conspiracy, the Defendants failed to conform to the requirement of the Federal Constitution and the statutes (id.,) Defendants aided and abetted after fact such aconspiracy and defamation. As a result of defendants' action plaintiff suffered continuing injury including but not limited to: humiliation, mental

distress, mental anguish, psychic injury and injury to his reputation. I pray for judgment in the sum of $500,000,000 from the defendants (id., ¶10).

SUMMARY:

Because of the foregoing, plaintiff respectfully requests that leave to file motion for reconsideration, in accordance to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 19th day of August, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT Hill ROAD
ELM CITY, NC 27822
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

August 19, 2006
/s/ Arthur O. Armstrong, Appellant

CERTIFICATE OF SERVICE

This is to certify that I served all parties a copy of motion for reconsideration by depositing a copy of same in the United States Mail with adequate postage affixed thereon to ensure delivery, in an envelope addressed as follows:

U.S. REGULAR MAIL
N. Carlton Telley, Chief Judge
United States District Court
P. O. Box 2708
Greensboro, NC 27402

This 22nd day of January, 2006

/s/ Arthur O. Armstrong
252-236-7912

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG, PLAINTIFF,	99-mc-00071
vs.	CIVIL RIGHTS VIOLATION
WILLIAM L. OSTEEN, UNITED STATES, JOSEPH P. CREEKMORE, DEFENDANTS.	42 U.S.C. §§1983,85,86
	AMENDED COMPLAINT

Plaintiff alleges and says:

1. Plaintiff resides in the City of Elm City, County of Wilson and State of North Carolina at 8113 Pleasant Hill Road.

2. Defendant United States is a Nation operating under the Constitution of the United States.

3. That the Defendant William L. Osteen is an elected or nominated governmental official in the capacity as a U. S. District Court judge for the Middle District of North Carolina at Greensboro, North Carolina, 27401 to hear and decide cases with procedural due process of law.

4. Defendant Joseph P. Creekmore is/was the clerk of court.

5. In the June 12, 1998 Order, Defendant Osteen, amid other things, called plaintiff a parasite against Koury Corporation.

6. On or about but not limited to 9-9-99, including October 1, 1999, in Guilford County, NC, the defendants failed to conform to the requirements of the federal constitution and the statutes when the defendants acted with

reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when the defendants acted with including but not limited to: arbitrariness, capriciousness, malice, fraud, RICO, trickery, gross negligence, deceit, oppression, conspiracy, misrepresentation, racial discrimination, defamation, and falsity against plaintiff when such U.S. Clerk failed to acknowledge the receipt of plaintiff's documents and Osteen's direct breach of the Federal Constitution and statutes in the Order of October 1, 1999, when defendant denied plaintiff's total access of the federal courts until plaintiff paid Koury Corporation $4,725.00 in harassment charges in violation of the Fourteenth Amendment to the Constitution of the United States.

7. The conduct complained of was engaged in under color of state law and that such conduct subjected plaintiff of the deprivation of rights, privileges and amenities secured by the Federal Constitution and the United States laws while engaged in the conduct complained of.

8. That plaintiff is Black and Defendants Osteen and Koury Corporation are White.

9. That plaintiff mailed documental papers of allegations of constitutional rights violation perpetrated by Koury Corporation on or about 9-9-99 via U.S. Express Mail. Such mail was signed by such court, but such Court denied the signature and reception thereof, or some such thing, and accused plaintiff of planting such document when plaintiff arrived thereat on October 1, 1999 since such employee stated over the phone that

such 9-9-99 document was not received and perhaps gone to state court, instead. One employee suggested that bringing another batch would guarantee such filing, which he did.

10. As a direct and proximate result of defendant's action, plaintiff suffered continuing injury including, mental distress, mental anguish, psychic injury, humiliation, injury to his reputation. And the defendant is liable for all damages sustained by the plaintiff. I pray for judgment in the sum of $500,000,000.00 against the defendant for damages and for the costs and expenses of this action.

WHEREFORE, plaintiff prays for judgment of $500,000,000.00 as follows:

1. Compensatory and punitive damages in the sum of $500,000,000.00 - Civil Rights Act.

2. That it have Attorney's fees in accordance to the Attorney's Award Act under 42 U.S.C. § 1988, or as a component of punitive damages.

3. Costs and Expenses and any further relief that this Court deems proper and fair.

Submitted this the 5th day of September, 2003.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues raised by the pleading in this case.

/s/ Arthur O. Armstrong, Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG	)	00-mc-000123
	)	
vs.	)	PLAINTIFF'S MOTION FOR
	)	LEAVE TO FILE MOTION
GOODWIN, M. H.,	)	FOR RECONSIDERATION
et al	)	WITH SUPPORTING
	)	AFFIDAVIT AND DOCUMEN-
	)	TATION (BRIEF II)

NOW COMES, Arthur O. Armstrong, the Plaintiff and moves this Honorable Court, with supporting affidavit and documentation, for leave to file motion for reconsideration for reason more fully set forth in the party's brief.

IN SUPPORT HEREOF, plaintiff shows unto the Court that:

I. On or about May 5, 2000, district court denied plaintiff's complaint for failure to state a claim. Plaintiff's amended complaint cures all defects..

NOW THEREFORE, plaintiff files his brief in support of his motion.

II. On or about January 12, 2000 in Durham County, NC, the Defendants acted in a conspiracy against the Plaintiff (affidavit, p. 2, ¶10). In the furtherance of such a conspiracy, the Defendants failed to conform to the requirement of the Federal Constitution and the statutes (id., ¶11). Defendants aided and abetted after the fact such a conspiracy. As a result of the defendants' action plaintiff suffered continuing injury including but not limited to: humiliation, mental distress, mental anguish, psychic injury and injury to his reputation. I pray for judgment in the sum of $100,000,000 from

the defendants (id., ¶14).

SUMMARY:

Because of the foregoing, plaintiff respectfully requests that leave to file motion for reconsideration, in accordance to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 19th day of August, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT Hill ROAD
ELM CITY, NC 27822
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

August 19, 2006

/s/ Arthur O. Armstrong, plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG, Plaintiff,	00-mc-00123
vs.	Civil Rights Violation
GOODWIN, M. H. CITY OF DURHAM, JOHN DOE, MIKE NIFONG, MICHAEL F. EASLEY, JOAN DOE, Defendants.	42 U.S.C. §§1983,85,86 **AMENDED COMPLAINT**

Plaintiff alleges and says:

1. Plaintiff resides in the City of Elm City, County of Wilson North Carolina.

2. Defendant Michael F. Easley is the Chief Executive Officer of North Carolina.

3. Durham is a municipality well organized and exists for the purpose of local government.

4. Defendant John Doe is Chief of Police.

5. Defendant Goodwin is police officer for the City of Durham.

6. Defendant Mike NiFong is the district attorney for the County of Durham.

7. Defendant Joan Doe is the Clerk of Superior Court.

4. On January 12, 2000, in Durham County NC, the defendant failed to conform to the requirements of the federal constitution and the statutes when the when defendant Goodwin, without probable cause, stopped and detained plaintiff, acted with including, but not limited

to, fraud, malice, arbitrariness, falsity, defamation, oppression, trickery, RICO, gross negligence, defamation, conspiracy, capriciousness, trickery, deceit, misrepresentation, and made an entry without a warrant onto the private areas of personal premise of plaintiff; invaded his privacy and seized plaintiff's driver's license in violation of the Fourth Amendment to the Constitution of the United States.

8. On or about March 8, 2000, without a scintilla piece of fact, Defendant Goodwin stated falsely, that plaintiff was driving with revoked driver's license for failure to appear in Guilford County for April 16, 1999's driving impairment violation fiasco when in fact such license never was properly revoked in that plaintiff was never properly charged with any such statute violation.

9. On or about May 25, 2000, Superior Court dismissed all remaining charging against plaintiff, including the purported speeding violation when Defendant failed to prosecute.

10. The Defendants acted in a conspiracy against the plaintiff.

11. In the furtherance of such a conspiracy, on or about December 12, 2000, without any prosecutorial material, Defendant conspired to go on the premise of Superior Court Building for the purpose of depriving, either directly or indirectly Mr. Armstrong of the equal protection of the laws, or of equal privileges and immunities under the laws or for the purpose of preventing or hindering the constituted authorities of any State from giving or securing Mr. Armstrong the equal protection of the laws when the Defendant

sent to Department of Motor Vehicle false report that plaintiff failed to appear in violation of the Fourteenth Amendment.

12. On or about January, 2001, the Defendant acted with libelous statements in falsely stating to the North Carolina Division of Motor Vehicles that plaintiff failed to appear in court on 12-12-00 and as a result of such libelous statement, NCDMV revoked plaintiff's drivers license when plaintiff was charged $85.00 for a duplicate license, and Wilson County charged his with a criminal violation on August 24, 2001.

13. That the conduct complained of was engaged in under color of state law and that such conduct subjected plaintiff of the deprivation of rights, privileges and amenities secured by the Federal Constitution and the United States laws while engaged in the conduct complained of.

14. As a direct and proximate result of the defendant's action, plaintiff suffered continuing injury, including but not limited to, mental distress, mental anguish, injury to his reputation, humiliation and psychic injury. I pray the court for judgment in the sum of $100,000,000.00.

WHEREFORE, plaintiff prays that judgment in the sum of $100,000,000.00 be granted as follows:

1. Compensatory and punitive damages in the sum of $100,000,000 against defendants under 42 U.S.C. §§1983, 85 and 86 Civil Rights Act.

2. Intangible harm

3. Reasonable attorney Fees against defendants under 42 U.S.C. §1988 Attorneys

Award Act, or as a component of punitive damages.

4. Costs and Expenses and such other and further relief as the court deems just and proper.

Respectfully submitted this the 18th day of January, 2006.

Respectfully submitted

/s/ Arthur O. Armstrong
Arthur O. Armstrong, Plaintiff
252-236-7912

DEMAND JURY TRIAL

Plaintiff hereby demands trial by jury on all issues raised by the pleading in this case.

/s/ Arthur O. Armstrong, Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG	00-mc-00050
vs.	PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION
R. G. BATEMAN, et al	FOR RECONSIDERATION WITH SUPPORTING AFFIDAVIT AND DOCUMENTATION (BRIEF II)

NOW COMES, Arthur O. Armstrong, the Plaintiff and moves this Honorable Court, with supporting affidavit and documentation, for leave to file motion for reconsideration for reason more fully set forth in the party's brief.

IN SUPPORT HEREOF, plaintiff shows unto the Court that:

I. On or about May 5, 2000, district court denied plaintiff's complaint for failure to state a claim. Plaintiff's amended complaint cures all defects..

NOW THEREFORE, plaintiff files his brief in support of his motion.

II. On or about April 16 1999 in Guilford County, NC, the Defendants acted in a conspiracy against the Plaintiff (affidavit, p. 1, ¶7). In the furtherance of such a conspiracy, the Defendants failed to conform to the requirement of the Federal Constitution and the statutes (id., ¶9). Defendants aided and abetted after the fact such a conspiracy (id., ¶11). As a result of the defendants' action plaintiff suffered continuing injury including but not limited to: humiliation, mental distress, mental anguish, psychic injury and injury to his reputation. I pray for judgment in the sum of

$100,000,000 from the defendants (id., ¶14).

SUMMARY:

Because of the foregoing, plaintiff respectfully requests that leave to file motion for reconsideration, in accordance to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 19th day of August, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT Hill ROAD
ELM CITY, NC 27822
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

August 19, 2006

/s/ Arthur O. Armstrong, plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG, PLAINTIFF,	00-mc-00050
vs.	CIVIL RIGHTS VIOLATION
	42 U.S.C. §§1983,85,86
MICHAEL R. EASLEY, JOAN DOE I, J. B. ANTONELLI, R. G. BATEMAN, JR. JOAN DOE, DEFENDANTS.	Amended Complaint

Plaintiff alleges and says:

1. Plaintiff resides in the City of Elm City, County of Wilson and State of North Carolina.

2. Defendant Mike Easley is the Chief Executive officer of North Carolina.

3. Defendant J. B. Antonelli is the magistrate judge.

4. Defendant Joan Doe I is the magistrate judge.

5. Defendant Bateman is a state trooper for the State of North Carolina.

6. Defendant Joan Doe is a state trooper.

7. On April 16, 1999, in Guilford County, NC, the Defendants conspired to go on the highway in disguise for the purpose of depriving either directly of indirectly Mr. Armstrong of equal protection of the laws or of equal privileges or immunities under the laws of for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to Mr. Armstrong the equal

protection of the laws when the defendants acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when they failed to conform to the requirements of the federal constitution and the U. S. statutes when the defendants acted with including but not limited to: arbitrariness, RICO, capriciousness, fraud, false arrest, gross negligence, trickery, oppression, misrepresentation, defamation, conspiracy, deceit, malice and falsity and without probable cause, stopped and detained plaintiff, made an entry without a warrant onto private areas of personal premise of plaintiff and invaded his privacy, and seized plaintiff's driver's license in violation of the Fourth Amendment to the Constitution of the United States.

8. That Defendant violated plaintiff's civil rights when such Defendant Bateman arrested plaintiff on false report, which plaintiff expressly denied, that plaintiff violated a criminal act when Defendant Bateman stated and charged that plaintiff was driving his automobile under the influence or impaired and hauled him down to the Guilford County Detention and subjected him to a Breathalyzer and detained him in the holding cell after plaintiff repeatedly demanded freedom, in violation of the Fourteenth Amendment to the Constitution of the United States.

9. In the furtherance of such a conspiracy, on or about June 2, 2000, the Guilford County Sheriff's Department, on false reports, which plaintiff expressly

denied, violated plaintiff's civil rights when it arrested plaintiff and jailed him for two days until a $500 bond was paid for an alleged failure to appear on false reports that plaintiff was operating his vehicle on April 16, 1999 while impaired.

10. That the Defendants had knowledge of the wrongs conspired to be done and had power to prevent of aid in the preventing and commission of the same but neglected and refused so to do.

11. 42 U.S.C. §1985 prohibits conspiracies to interfere with civil rights and §1986 proscribes knowing neglect to prevent or (aid or abet after the fact) such a conspiracy.

12. That Defendant acted with libelous statement in stating <u>falsely</u>, that plaintiff operated his vehicle impaired and failed to appear for such criminal act.

13. That the conduct complained of was engaged in under color of state law and that such conduct subjected plaintiff of the deprivation of rights, privileges and amenities secured by the Federal Constitution and the U. S. laws while engaged in the conduct complained of.

14. As a direct and proximate result of Defendants' action, plaintiff suffered continuing injuries including, but not limited to, mental distress, mental anguish, injury to his reputation, psychic injury, and humiliation all to the sum of $100,000,000.00.

WHEREFORE, the plaintiff prays for judgment in favor of plaintiff and against the defendants in the sum of $100,000,000

be granted as follows:

1. Compensatory and punitive damages in the sum of $100,000,000 against defendants under 42 U.S.C. §§1983, 85 and 86 Civil Rights Act.

2. Intangible harm

3. Reasonable attorney Fees against defendants under 42 U.S.C. §1988 Attorneys Award Act, or as a component of punitive damages.

4. Costs and Expenses and such other and further relief as the court deems just and proper.

Respectfully submitted this the 18th day of January, 2006.

Respectfully submitted

/s/ Arthur O. Armstrong
Arthur O. Armstrong, Plaintiff
252-236-7912

DEMAND JURY TRIAL

Plaintiff hereby demands trial by jury on all issues raised by the pleading in this case.

/s/ Arthur O. Armstrong, Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG)	95-CV-00434
)	96-CV-00855
vs.)	PLAINTIFF'S MOTION FOR
)	LEAVE TO FILE MOTION
D.W. SCOTT, et al)	FOR RECONSIDERATION
)	WITH SUPPORTING
)	AFFIDAVIT AND DOCUMEN-
)	TATION (BRIEF II)

NOW COMES, Arthur O. Armstrong, the Plaintiff and moves this Honorable Court, with supporting affidavit and documentation, for leave to file motion for reconsideration for reason more fully set forth in the party's brief.

IN SUPPORT HEREOF, plaintiff shows unto the Court that:

I. On or about 1995, 1996 district court dismissed plaintiff's complaint for failure to state a claim. Plaintiff's amended complaint cures all defects..

NOW THEREFORE, plaintiff files his brief in support of his motion.

II. On or about September 25, 1992 and October 3, 1995 in Guilford County, NC, the Defendants acted in a conspiracy against the Plaintiff (affidavit, p. 1, ¶5). In the furtherance of such a conspiracy, the Defendants failed to conform to the requirement of the Federal Constitution and the statutes (id., ¶6). Defendants aided and abetted after the fact such a conspiracy (id., ¶9). As a result of the defendants' action plaintiff suffered continuing injury including but not limited to: humiliation, mental distress, mental anguish, psychic injury and injury to his reputation. I pray for judgment in the sum of

$200,000,000 from the defendants (id., ¶10).

SUMMARY:

Because of the foregoing, plaintiff respectfully requests that leave to file motion for reconsideration, in accordance to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 19th day of August, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT Hill ROAD
ELM CITY, NC 27822
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

August 19, 2006

/s/ Arthur O. Armstrong, plaintiff

CERTIFICATE OF SERVICE

This is to certify that I served all parties a copy of motion for reconsideration by depositing a copy of same in the United States Mail with adequate postage affixed thereon to ensure delivery, in an envelope addressed as follows:

U.S. REGULAR MAIL
Richard Thompson Wright, Esq.
P. O. Box 989
Greensboro, NC 27420

This 22nd day of January, 2006

/s/ Arthur O. Armstrong
252-236-7912

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG, Plaintiff,	)	95-CV-00434 96-CV-00855
vs.	)	AMENDED COMPLAINT
CITY OF GREENSBORO, SYLVESTER DAUGHERTY, D. W. SCOTT, WATSON-COOK ERNEST J. ALBRIGHT,	)	CIVIL RIGHTS VIOLATION (42 U.S.C. §§1983,85,86

Plaintiff alleges and says:

1. Plaintiff resides in the City of Elm City, County of Wilson, North Carolina.

2. Defendant City of Greensboro is a municipality duly organized and existing under the laws of the State of North Carolina for the purpose of local government.

3. Sylvester Daugherty is chief/director of Greensboro Police Department.

4. Defendant D.W. Scott, Watson and Cook are police officer for the City of Greensboro.

5. The defendants acted in a conspiracy against the plaintiff.

6. In the furtherance of such a consiracy, on or about September 25, 1992 and October 3, 1996 in Guilford County, NC, the defendant director Sylvester Daugherty violated plaintiff's civil rights when defendant officer Scott and Albright, September 25, 1992, and Watson and Cook October 3, 1996, acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others, respectively, and

acted with, including but not limited to, malice, arbitrariness, gross negligence, capriciousness, falsity, fraud, racial discrimination, trickery, defamation, oppression, deceit, misrepresentation, RICO, and conspired to go on the highway or on the premise of plaintiff for the purpose of depriving, either directly or indirectly, plaintiff of equal protection of the laws, or of equal privileges and immunities under the laws; for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to plaintiff the equal protection of the laws, when defendant Scott made false reports that plaintiff, a Black man, caused an automobile accident against two White men when the defendant Scott made bogus report stating falsely that after the impact, the plaintiff's car traveled 0 distance when in fact, plaintiff's car was knocked at least 18 feet from the impact of the defendant Albright's speeding car; and Cook and Watson, without probable cause, made an entry. without a warrant onto private areas of personal premise of plaintiff, invaded his privacy and seized his property in violation of the Fourteenth and Fourth Amendments to the Constitution of the United States.

7. The conduct complained of was engaged in under color of State law and that such conduct subjected plaintiff of the deprivation of rights, privileges and amenities secured by the Federal Constitution and the U. S. laws while engaged in the conduct complained of.

8. Defendants had knowledge of

the wrongs conspired to be done and had the power to prevent or aid in the preventing the commission but neglected and refused so to do, and aided and abetted after the fact such a conspiracy.

9. 42 U.S.C. §§1985 prohibits conspiracies to interfere with civil rights and 1986 proscribes knowing neglect (or aid or abet after the fact) such a conspiracy.

10. As a direct and proximate result of defendants' action, plaintiff suffered continuing injuries, including, but not limited to, mental distress, mental anguish, psychic injury, humiliation and injury to his reputation.

WHEREFORE, plaintiff prays for judgment of $200,000,000.00 as follow:

1. Compensatory and punitive damages in the sum of $200,000,000 under 42 U.S.C. §§1985 & 1986 Civil Rights Act.

2. Punitive and exemplary damages against individual defendant under 42 U.S.C. §§ 1983, 1985 and 1986 Civil Rights Act.

3. Intangible harm:

4. That it have reasonable attorney's fees from the defendants in accordance to the Civil Rights Act, U.S.C. § 1988, or as a component of punitive damages.

5. For Costs and Expenses as part of the 42 U.S.C. §§ 1985 and 1986 Civil Rights Act; and such other and further relief as the Court deems just and proper.

Respectfully submitted this the 25th day of March, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues raised by the pleading in this action.

/s/ Arthur O. Armstrong
252-236-7912

The Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fourth Amendment:
The right of the people to be secured in their person, house, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

42 U.S.C. § 1983: "Every person who under color of any statute, ordinance, regulation, custom or usages, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privil-

eges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

42 U.S.C. §§1985 and 1986

"If two or more persons in any State of Territory conspire or go in disguise on the highway or on the premise of another, for the purpose of depriving, either directly of indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory the equal protection of the laws * * *: in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so inured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirator."

Section 1986 provides:
"Every person who having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having the power to prevent, or aid in the preventing the commission of the same neglects or refused so to do. If such wrongful act be committed, shall be liable to the party injured, or his legal representatives for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action ***

OPPOSITION BRIEF

(2)

No. 06-292

Supreme Court, U.S.
FILED
SEP 29 2006
OFFICE OF THE CLERK

In The Supreme Court of the United States

ARTHUR O. ARMSTRONG,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Did the Court of Appeals properly deny the Petitioner's multiple motions for leave to file petitions for writs of mandamus, where the matters had been previously litigated, and the Court of Appeals had previously determined that earlier attempts to file similar petitions for such writs of mandamus in the same matters should be dismissed as frivolous?

RESPONDING PARTIES

This brief in opposition to the Petition for Writ of Certiorari is submitted on behalf of the City of Greensboro, Officer Watson, Officer Cook, who were the defendants in Case No. 2:96-CV-00885 in the Middle District of North Carolina, and D.W. Scott, who was the defendant in Case No. 2:95-CV-00434 in the Middle District of North Carolina), collectively, the "Greensboro Respondents." The petitioner lists others associated with the City of Greensboro, e.g., R.G. Bateman and B.J. Antonelli, but these parties do not appear to be involved in any of the seven petitions for leave to file mandamus petitions which were denied in the July 6, 2006, order. The Greensboro Respondents are involved in two of the petitions: CA Doc. Nos. 4402151-1 and 4402166-1.

TABLE OF CONTENTS

Page

QUESTION PRESENTED i

RESPONDING PARTIES ii

TABLE OF CONTENTS iii

TABLE OF AUTHORITIES iv

INTRODUCTION 1

STATEMENT OF FACTS 1

1. Injunction against Petitioner in the District Court 2

2. *Armstrong v. City of Greensboro, Officer Watson and Officer Cook* 4

3. *Arthur O. Armstrong v. D.W. Scott, Jr.* 6

4. Cases in the Court of Appeals 7

REASONS THE WRIT SHOULD NOT BE GRANTED 10

CONCLUSION 11

TABLE OF AUTHORITIES

Page(s)

Case

Armstrong v. City of Greensboro,
536 U.S. 930, 122 S. Ct. 2603,
153 L. Ed. 2d 790, *rehearing denied*,
536 U.S. 978, 123 S. Ct. 10,
153 L. Ed. 2d 874 (2002). 6

Rules

FED. R. CIV. P. 11 4

FED. R. CIV. P. 12 4

FED. R. CIV. P. 60 6

SUP. CT. R. 15.1 1

SUP. CT. R. 20 10

INTRODUCTION

The narrow issue presented by the record in this case is whether the Court of Appeals erred when it issued an order on July 7, 2006, denying petitioner's seven separate motions for petitions to file writs of mandamus, each filed in the Court of Appeals May 31, 2006. The Greensboro Respondents (defined below) file this response for the purpose of correcting misstatements in the petition (Supreme Ct. Rule 15.1), and providing certain background information about the abusive gush of filings by the petitioner.

STATEMENT OF FACTS

While the record in the Court of Appeals is uncomplicated, the procedural histories of the two cases involving the Greensboro Respondents is not, entirely because of petitioner's penchant for filing multiple frivolous papers. The cases involving the Greensboro Respondents share certain procedural commonalities, which are perhaps applicable to the other five cases consolidated for judgment in the July 7, 2006, order of the Court of Appeals. In each case the petitioner filed a *pro se* complaint in the district court, and the court entered judgment against petitioner. Petitioner failed to appeal this judgment. He then filed motions to re-open the cases, which were denied. He appealed these denials to the Court of Appeals, which dismissed the appeals. In one case, petitioner sought review by a petition for a writ of certiorari from this Court. When these avenues were exhausted, petitioner filed petitions for writs of mandamus, which the Court of Appeals dismissed as frivolous. The Court of

Appeals twice imposed monetary sanctions upon Mr. Armstrong for frivolous filings, and further enjoined Mr. Armstrong from filing further mandamus petitions until he paid the sanctions and the court determined that the action is not frivolous. Mr. Armstrong then filed multiple successive motions for leave to file petitions for writs of mandamus in each case. The court denied all these motions for leave. Mr. Armstrong then filed these seven motions for leave to file mandamus petitions, which the Court of Appeals denied in its Order of July 7, 2006. Petitioner does not seek review of the earlier orders dismissing his mandamus petitions and denying him leave to file mandamus petitions, and these determinations must be regarded as final as to petitioner. Mr. Armstrong's persistence has reached the point of menace to the administration of justice, as he seeks yet again to re-litigate issues which have been finally resolved against him in many prior judicial rulings.

1. Injunction against Petitioner in the District Court.

On June 12, 1998, the district court in *Arthur O. Armstrong v. Koury Corporation*, Case No. 1:97CV01028, Middle District of North Carolina, entered a Memorandum Opinion and Order finding that petitioner had filed six separate lawsuits over incidents in 1995, when he was ejected from a nightclub. The court found:

> Plaintiff is a self proclaimed "black, semi-professional litigator." A brief review of the public records bears this

> out. In addition to the six lawsuits brought against Defendant, Plaintiff has filed two lawsuits against the City of Greensboro Police Department. He has filed three other lawsuits against City of Greensboro Police Officers, the latest of which Plaintiff filed despite this court's having already granted judgment in favor of the officers. He has also sued the Duke University Hospital Private Diagnostic Clinic. In Guilford County Plaintiff has cases pending against his mortagors and his daughter's auto dealer. In addition, plaintiff filed 19 separate actions in the United States District Court for the Eastern District of Pennsylvania, the majority of which were appealed to the Third Circuit Court of Appeals. Although prolific, this self-proclaimed, semi-professional litigator's efforts have proven meritless. The courts and one jury have rejected Plaintiff's many claims. Plaintiff has continued his predatory litigation in the face of sanctions and in disregard of injunctions. (Footnotes omitted) *Arthur O. Armstrong v. Koury Corporation*, 1:97CV1335, U.S. District Court for the Middle District of North Carolina, June 12, 1998, Memorandum Opinion, p. 3-5.

On June 12, 1998, the district court entered an Order and Injunction [Petition, App C], in which it imposed sanctions and enjoined the petitioner from

filing any new actions or any further papers in any pending case in the Middle District of North Carolina, without first obtaining leave of court. Leave of court would be granted if the paper or action 1) can survive a challenge under Rule 12 of the Federal Rules of Civil Procedure, 2) is not barred by the principles of issue or claim preclusion, 3) is not repetitive or violative of a court order, and 4) is in compliance with Rule 11 of the Federal Rules of Civil Procedure.

2. Armstrong v. City of Greensboro, Officer Watson and Officer Cook, 96-cv-00855. ("Greensboro I")

This case arises out of an October 3, 1996 incident in which the petitioner alleged that the defendants violated his civil rights. Petitioner owned a rooming house in Greensboro, N.C., and had rented a room to Christine Duffany, the tenant. On October 3, 1996, Officer Watson responded to a complaint by Ms. Duffany, who asserted that the petitioner had evicted her without any notice, had changed the lock on the house, and had locked her personal belongings in the house. She asked Officer Watson to go with her to retrieve her belongings. The officers did so, and Ms. Duffany removed her belongings over the objection of Mr. Armstrong.

Petitioner alleged that Officers Watson and Cook arrived on the scene, entered the house without giving identification or a reason for entry, that the officers told Ms. Duffany to break down the door, and upon her refusal to do so, they told her to remove the lock. She did so, and retrieved her

property. The defendant officers deny this version of the events. Officer Watson stated that he agreed to accompany Ms. Duffany to the house to protect her, and that Petitioner allowed them to enter peacefully. He told Mr. Armstrong and Ms. Duffany that the matter was civil in nature, and that he could not be involved. The Petitioner then became agitated, and would not let Ms. Duffany into her room. Ms. Duffany then obtained a screwdriver, and removed the lock from the door, and removed a carload of belongings from the room. Officers Watson and Cook were only on the scene to keep the peace, and they did not tell Ms. Duffany either to break down the door, or to remove the lock Petitioner had placed on the door.

Petitioner first instituted the action against the City of Greensboro. The district court dismissed the action as to the City, but allowed the petitioner to amend the complaint to assert a claim against the individual officers who were present. The defendant officers filed a motion for summary judgment, which the district court granted in a Memorandum Opinion and Order dated November 24, 1997.[1] The petitioner did not appeal from this judgment and the case was closed.

---

[1] The district court concluded that Ms. Duffany was a tenant of the premises in question, and that the petitioner had failed to lawfully evict her. Officers Watson and Cook were on the premises at the request of the tenant, and therefore, there was no violation of the petitioner's Fourth Amendment rights when the officers were present, even if the petitioner had asked that they leave. Because Ms. Duffany removed the lock, and not the officers, the district court found that Petitioner could not establish a denial of his rights to due process of law.

On March 20, 2001, in violation of the injunction, plaintiff filed a motion to reopen the case against Watson and Cook, and a motion for summary judgment. [DOC #67] The district court considered both motions as motions for relief from the November 27, 1997 judgment, under Rule 60, F.R.Civ.Pr., and denied both motions on March 39, 2001. [DOC #67] Petitioner appealed to the U.S. Court of Appeals for the Fourth Circuit. [DOC #68] On January 18, 2002, the Court of Appeals entered a judgment dismissing the appeal, and ordered that petitioner's motion to proceed *in forma pauperis* be denied. The petition for rehearing was denied by order dated February 25, 2002. Petitioner filed a petition for writ of certiorari to this Court on April 15, 2002, and this petition was denied in this court on June 17, 2002. *Armstrong v. City of Greensboro*, 536 U.S. 930, 122 S. Ct. 2603, 153 L. Ed.2d 790, *rehearing denied*, 536 U.S. 978, 123 S. Ct. 10, 153 L. Ed.2d 874 (2002). Petitioner had filed appeals to the U.S. Court of Appeals for the Fourth Circuit on five other occasions, all of which arose from the October 3, 1996, incident. *See*, CA Nos. 01-1112, 01-1233, 01-1226, 01-1227 and 01-1316. The Court of Appeals dismissed each of these appeals as frivolous, and petitioner attempted no further appeals from these cases.

3. Arthur O. Armstrong v. D.W. Scott, Jr. 95-cv-00434. ("Greensboro II")

On June 19, 1995, petitioner filed a complaint against Officer D. W. Scott, Jr., in which he alleged that the defendant has violated his rights: "I accuse the defendant D.W. Scott, with conspiracy, fraud,

capriciousness, arbitrariness, failure to file a true and accurate police report, unfairness, collusion, negligent, libel and slander, defamation of character, and guilty of wilful procedure violations." [Complaint, par. 3, DOC # 1] Petitioner, in essence, alleged that defendant Scott, as an investigating office in an automobile collision in which Mr. Armstrong was one of the drivers, prepared an accident report which did not accurately reflect the facts of the accident.

Defendant filed motions to dismiss for lack of subject matter jurisdiction, since petitioner failed to alleged a constitutional violation or other federal question. Defendant further moved to dismiss for failure to state a claim upon which relief may be granted. When petitioner failed to respond to the motions in a timely fashion, the district court, on the basis of a local rule which allowed the court to treat motions to which no response is filed as unopposed, entered judgment granting the motions and dismissing the action on August 19, 1996. No appeal was taken from this judgment.

On August 28, 2001, nearly five years after the judgment, petitioner filed a motion for relief from the judgment. Because petitioner did not follow the procedure in the injunction, the district court ordered the motion stricken on August 31, 2001. Petitioner did not appeal this ruling.

4. Cases in the Court of Appeals.

The procedural histories of the cases involving the Greensboro Respondents converge in the Court

of Appeals, even though a number of separate proceedings were filed by Mr. Armstrong. On April 7, 2003 (Greensboro I, CA Doc 03-1421) and April 22, 2003 (Greensboro II, CA Doc 03-1494), petitioner filed petitions for writ of mandamus in the Court of Appeals. The court consolidated these two cases with nine other petitions for writs of mandamus. The court on May 8, 2003 ordered petitioner to show cause why he should not be sanctioned for filing frivolous mandamus petitions. Petitioner's response did not persuade the court that the petitions were not frivolous. The Court of Appeals entered an order on June 23, 2003, dismissing the petitions, imposing monetary sanctions of $500 upon Mr. Armstrong, and further enjoining him from filing any further mandamus petitions until the sanctions were paid, and until the court determined that the action is not frivolous. The petition for rehearing was denied July 28, 2003.

Undaunted, the petitioner on September 5, 2003, filed motions for leave to file a mandamus petition in Greensboro I, CA 03-257, and Greensboro II, CA 03-256. The court consolidated these two cases with eight other similar motions, and on October 23, 2003, the Court of Appeals denied all ten motions for leave.

Still undeterred, Mr. Armstrong on November 18, 2003, filed motions for leave to file petitions for writs of mandamus in the Greensboro I and II cases (CA 03-307 and 03-309), and in ten other cases. These cases were ultimately consolidated with seventeen other motions for leave to file mandamus petitions. The court on March 3, 2004 ordered

petitioner to show cause why he should not be sanctioned for filing frivolous petitions.

On April 26, 2004, the Court of Appeals ordered Mr. Armstrong sanctioned in the amount of $1,500.00 for filing frivolous motions for leave to file mandamus petitions. The court further ordered that petitioner was not entitled file further mandamus petitions unless the sanctions had been paid in full, and the panel decides that the motion is not frivolous. Further, if no judicial action is taken within thirty days, the motion is deemed denied. Petitioner on August 22, 2005 and again on September 15, 2005, by motion asked the Court of Appeals to waive the monetary sanctions and to determine that the petitions were not frivolous. The court denied the motions, and denied further motions seeking the same relief.

Mr. Armstrong tried yet again to file mandamus petitions in Greensboro I and II and other cases, by filing another motion for leave on January 31, 2006. He again moved on February 2, 2006, that the court determine that his petitions were not frivolous. On March 30, 2006, the Court of Appeals denied the latest motions for leave to file mandamus petitions, and on March 31, the court issued and order denying all motions for leave to file mandamus petitions which had been filed to date by Mr. Armstrong. Petitioner did not appeal from these orders.

In the face of these rulings by the court, Mr. Armstrong on May 31, 2006, files motions for leave to file petitions fro writs of mandamus in Greensboro

I and II, along with five other cases. The Court of Appeals denied these motion by order of July 6, 2006, and petitioner file a timely petition for a writ of certiorari to review this latest order of the Court of Appeals.

REASONS THE WRIT SHOULD NOT BE GRANTED

Petitioner's attempts to litigate matters that have been finally and conclusively decided have passed the point of persistence, and have crossed the line over to contumacious refusal to obey the injunctions of the Court of Appeals and the district court. None of the reasons which traditionally justify a writ of certiorari being granted are present in this case. Rule 20, Supreme Court Rules. There is no conflict in the circuits on an important questions of law. The decision of the Court of Appeals has not departed from the accepted and normal course of judicial proceedings so as to call for this Court's supervisory authority. The lower courts have tried mightily to deal with the petitioners irrational persistence in seeking to litigate cases which were decided against him, and from which he did not properly appeal. These court have been remarkably lenient with Mr. Armstrong. Stronger sanctions could surely be justified. This Court should not encourage abuse of the system of the type shown by petitioner in these cases. If any action is taken on the petition other than denial, it should be the imposition of sanctions upon Mr. Armstrong which puts a stop to this waste of judicial resources occasioned by petitioner's multiple frivolous filings at all levels of the judicial system. *Pro se* litigation

has its place in the judicial system, but the actions of the petitioner cannot be permitted or encouraged.

CONCLUSION

For the reasons stated above, Petitioner's Petition for Writ of Certiorari to the Unites States Court of Appeals for the Fourth Circuit should be denied. Petitioner's position is wholly without merit, and nothing in the record suggests that the action of the Court of Appeals in denying him leave to file groundless mandamus petitions reasons was in any way improper. This Court should deny the petition.

Respectfully submitted, this 29th day of September, 2006.

/s/ R. Thompson Wright
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Respondents

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